

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

FRANK L. BASIC, JR.,

Petitioner,

VS.

SANTANNA NATURAL GAS  
CORPORATION d/b/a SANTANNA  
ENERGY SERVICES,

Respondent,

Complaint as to billing and/or )  
charges in Chicago, Illinois. )

Chicago, Illinois  
November 13, 2003

Met pursuant to notice at 10:00 a.m.

BEFORE:

GLENNON DOLAN, Administrative Law Judge.

APPEARANCES:

MR. FRANK L. BASIC, JR.

6725 Bentley  
Darien, Illinois 60561

Appearing Pro se;

MR. PAUL MARKOFF

20 North Clark Street, Suite 2310  
Chicago, Illinois 60603

Appearing for the Respondent;

MR. BRIAN MC CARTHY

130 East Randolph Street  
Chicago, Illinois

Appearing for Peoples Gas.

SULLIVAN REPORTING COMPANY, by  
Steven T. Stefanik, CSR



1 JUDGE DOLAN: By the power and authority of the  
2 Illinois Commerce Commission, I call Case  
3 No. 03-0439, Frank L. Basic, Junior, versus  
4 Santanna Natural Gas Corporation, doing business as  
5 Santanna Energy Services.

6 Would the parties please state their  
7 names and addresses for the record.

8 MR. BASIC: Frank Basic, 6725 Bentley, Darien,  
9 Illinois, 60561.

10 MR. MARKOFF: Paul Markoff for Santanna Natural  
11 Gas Corporation, 20 South Clark Street, Suite 2310,  
12 Chicago, Illinois 60625 -- I'm sorry, 03.

13 MR. MC CARTHY: And Brian McCarthy is present  
14 here. We've been named in a separately numbered  
15 complaint by Mr. Basic regarding some of the same  
16 issues. So I'm just showing up today to monitor  
17 this, I guess.

18 JUDGE DOLAN: Okay. Yeah, it appears that  
19 Mr. Basic has filed a new complaint alleging only  
20 Peoples Gas in the new one, which was filed  
21 November 10th and has a docket number of 03-0687.

22 All right. We're here today for status

1 on this case and also an entered-and-continued  
2 Santanna's motion to dismiss the complaint which  
3 was previously filed that Mr. Basic has never filed  
4 a response to.

5                   So I see that you're reading the  
6 documents that you were provided. You said that  
7 went out in the mail on Tuesday?

8       MR. MARKOFF: I thought it went by e-mail as  
9 well, but I know it went out hard copy as well,  
10 but, of course, it was Veteran's Day on Tuesday.  
11 So, you know, he probably wouldn't get it until  
12 today, I would guess.

13       JUDGE DOLAN: Okay. Would you have a problem  
14 me taking a look at that document?

15       MR. MARKOFF: No. That's fine.

16       JUDGE DOLAN: All right.

17                   Now, you sent your payments to Santanna  
18 or did you send to --

19       MR. BASIC: No, Peoples Gas always gets the  
20 payment.

21       JUDGE DOLAN: Okay.

22       MR. BASIC: I never got a bill from Santanna

1 ever and I never sent them any money.

2 JUDGE DOLAN: All right.

3 And then Peoples just forwards the  
4 payment on to Santanna?

5 MR. BASIC: Right.

6 JUDGE DOLAN: Okay. Well, based on research  
7 that I did do, Mr. Markoff's motion is correct and  
8 we do not have jurisdiction against Santanna when  
9 it comes to, you know, the amount of therms that  
10 were used, because they are, you know, technically  
11 under the Alternative Gas Supplier's Law.

12 And I don't know if it fell through the  
13 cracks or what, but when the -- when the section of  
14 the statute was written, it was -- gave us  
15 jurisdiction only over residential customers and  
16 small commercial customers that, I believe, use  
17 under 10,000 therms.

18 MR. MARKOFF: 5,000 annually.

19 JUDGE DOLAN: Yeah, 5,000. Okay -- 5,000 or  
20 fewer therms during the previous year.

21 MR. BASIC: And I used less than 5,000 therms  
22 in the previous year?

1 JUDGE DOLAN: No, you used over 5,000. So,  
2 therefore, we don't have jurisdiction on this  
3 claim.

4 MR. BASIC: Oh, okay.

5 JUDGE DOLAN: So I have no choice but to  
6 recommend to the Commission that his motion to  
7 dismiss be granted.

8 And, obviously, it has no effect on the  
9 new claim that you have against Peoples Energy.  
10 So...

11 MR. BASIC: Right. I mean this doesn't tell me  
12 where they're getting the balance from -- original  
13 balance for \$5,000. I'm supposed to pay a bill to  
14 them that they're not telling me what all this  
15 money come from.

16 Where did all the money that I paid  
17 Peoples Gas, where did it go? I mailed them \$3500.  
18 I don't even see it on here -- original payment.

19 MR. MARKOFF: Well, this is --

20 MR. BASIC: I don't --

21 MR. MARKOFF: This is Santanna -- these are  
22 Santanna's records. If there's a \$3500 payment

1 made, it went to Peoples.

2                   So, presumably, I don't know --

3 presumably, only a portion of that was Santanna's

4 portion. I guess --

5       MR. BASIC: I thought it was all Santanna's.

6                   All I paid Peoples Gas is the

7 distribution.

8       JUDGE DOLAN: Well, Mr. Basic --

9       MR. BASIC: I don't know. Whatever you got to

10 do.

11       JUDGE DOLAN: -- all I can tell you is that --

12 I can't give you any legal advice, but I can tell

13 you that the Commission does not have jurisdiction

14 over this claim.

15       MR. BASIC: Okay.

16       JUDGE DOLAN: But there are other potential

17 courts out there that can have jurisdiction over

18 it.

19       MR. BASIC: Yes, there are.

20       JUDGE DOLAN: So I just -- you know, as far as

21 the claim against Santanna, like I said, we do not

22 have jurisdiction.

1                   We do have -- we do have jurisdiction  
2   over Peoples. And, obviously, you know, that claim  
3   will get rolling along. I'll set that down for a  
4   status at a later date just to get this one  
5   rolling. I assume you have no records of anything  
6   for the new --

7       MR. MC CARTHY: I don't have any records. I  
8   mean, we've kind of monitored this case, but I  
9   haven't gotten, like, the company records of what  
10  happened here and what the bills are. Is that what  
11  you're saying?

12       JUDGE DOLAN: Yeah. Yeah. So you have no --

13       MR. MC CARTHY: Right now, I'm not really  
14  prepared to -- just taking his allegations on their  
15  face, I have some comments, but I don't know that  
16  we want to do that on the record.

17       JUDGE DOLAN: No. No, we'll -- if you want to  
18  discuss it with him off the record, that's fine.

19       MR. MC CARTHY: Sure.

20       JUDGE DOLAN: I'll -- I'm going to go ahead and  
21  mark the record heard and taken and then I'll, you  
22  know, make my recommendations to the Commission



1    that this matter be dismissed.

2           MR. MARKOFF:    Thank you, Judge.

3                           HEARD AND TAKEN. . . .

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03-0439

State of Illinois  
ILLINOIS COMMERCE COMMISSION

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(To be filed with the Chief Clerk)

MINUTES

Chicago, Illinois  
November 13, 2003

CASE NO. 03-0439

SUBJECT: FRANK L. BASIC, JR., vs. SANTANNA NATURAL  
GAS CORPORATION d/b/a SANTANNA ENERGY

HEARD BY: GLENNON DOLAN, ALJ  
APPEARANCES: MR. FRANK L. BASIC, JR., 6725 Bentley  
Darien, Illinois 60561  
Appearing Pro se;

MR. PAUL MARKOFF, 20 North Clark Street,  
Suite 2310, Chicago, Illinois 60603  
Appearing for the Respondent;

MR. BRIAN MC CARTHY, 130 East Randolph  
Street, Chicago, Illinois  
Appearing for Peoples Gas.

DISPOSITION: Heard and taken.  
EXHIBITS FILED: None

REPORTED BY: Sullivan Reporting Company,  
Steven T. Stefanik, CSR

REMARKS: Org to Comm (9 Pages)